

PI4748USw

**Remarks**

Currently Claims 1-12, 16 and 25-34 are pending. Claims 35-36 are canceled for purposes of expediting allowance of the remaining subject matter. Applicants expressly reserve the right to file a continuation application directed toward the subject matter of claims 35-36. Applicants respectfully submit that the cancellation of claims 35-36 renders the rejection of those claims under 35 U.S.C. §112, first paragraph moot.

Applicants acknowledge with appreciation the allowance of claims 1-12, 16 and 25-32.

Applicants respectfully traverse the rejection of claims 33-34 under 35 U.S.C. §112, first paragraph. Applicants respectfully submit that the references provided in the response submitted 25 Jan 2007 demonstrate that a wide variety of sleep disorders may be treated with NK-1 (tachykinin) antagonists. Applicants respectfully direct the Examiner's attention to PCT Publication No. 98/02158, which, although titled "Alteration of Circadian Rhythmicity with a Tachykinin Antagonist" discloses the treatment of sleep disorders broadly. The Examiner's attention is specifically directed to the paragraph bridging pages 9-10 wherein the publication discloses the use of tachykinin antagonists for the treatment of sleep disorders including disorders of initiating and maintaining sleep (DIMS) including insomnia, childhood onset DIMS, nocturnal myoclonus, restless legs and non-specific REM disturbances as seen in the ageing. For the Examiner's convenience, the disclosure also appears in USPN 6034105, which issued 7 Mar 2000, at column 6, lines 15-36. In view of this disclosure, Applicants respectfully submit that the state of the art at the time of filing of the instant application included the knowledge that an NK-1 antagonist may be used to treat a wide variety of sleep disorders. Accordingly, it is respectfully submitted that the specification complies with the mandates of 35 USC §112, first paragraph and enables claims directed toward methods of treating sleep disorders. Withdrawal of this rejection is respectfully requested.

Applicants respectfully submit that the foregoing amendments place the claims in condition for allowance, or at a minimum, narrow the issues for appeal, accordingly, entry of this amendment is proper under 37 CFR 1.116 and is respectfully requested.

PI4748USw

Inasmuch as Applicants have responded within 2 months of the mailing date of the final rejection, receipt of a Notice of Allowance or Advisory Action before the due date for filing the Notice of Appeal (13 July 2007) is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-8222, to discuss this case, if desired.

Respectfully submitted,



Lorie Ann Morgan  
Attorney for Applicants  
Registration No. 38,181

Date: 5 July 2005  
GlaxoSmithKline Inc.  
Five Moore Drive, PO Box 13398  
Research Triangle Park  
North Carolina 27709  
(919) 483-8222  
fax: (919) 483-7988